

REMARKS

This application has been reviewed in light of the Office Action dated June 4, 2003. Claims 53 and 55-59 are pending in this application. Claim 53, which is the only independent claim, has been amended to define still more clearly what Applicant regards as his invention, in terms that distinguish over the art of record. Favorable reconsideration is requested.

The Office Action rejected Claims 53 and 55-59 under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over Claims 1-46 of U.S. Patent No. 6,015,200 (Ogura). Applicant respectfully traverses this rejection.

Applicant submits that amended independent Claim 53, together with the remaining claims dependent thereon, are patentably distinct from Claims 1-46 of Ogura at least for the following reasons.

Independent Claim 53 is directed to an image reading apparatus that includes an illuminating device adapted to illuminate an original and a photoelectric converting device adapted to effect photoelectric conversion on the light from the original, with the illuminating device including a light conductive member for receiving light. The light conductive member includes a light entrance face provided in at least a part of a first side that forms a longitudinal lateral face of a rod-shaped translucent member, and a first light reflecting and/or diffusing area provided on a second side opposed to the light entrance face and inclined toward the first side relative to a light axis of the received light, with the first light reflecting and/or diffusing area being adapted to reflect and/or diffuse the entering light within the translucent member. The light exit area of the apparatus is adapted to emit at least a part of the light to the outside of the translucent member.

Applicant notes that none of Claims 1-46 from Ogura include the feature of a first light reflecting and/or diffusing area provided on a second side opposed to the light

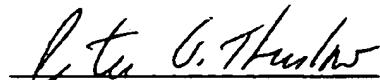
entrance face and inclined toward the first side relative to a light axis of the received light, with the first light reflecting and/or diffusing area being adapted to reflect and/or diffuse the entering light within the translucent member. Applicant submits that for this reason, Claim 53 differs in scope from Claims 1-46 of Ogura and is therefore allowable.

Dependent Claims 55-59 depend from Claim 53 discussed above, and, therefore, are submitted to be patentable over Ogura for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicant

Registration No. 47,138

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 380479v1